



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
ENVIRONMENTAL  
CLEANUP

**URGENT LEGAL MATTER  
PROMPT REPLY NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

October 7, 2015

J. H. Baxter & Co.  
c/o Georgia Baxter Krause, President  
1700 S. El Camino Real  
San Mateo, California 94402

Re: Invitation to Negotiate Pre-Remedial Design ASAOC for the Quendall Terminals Superfund Site in Renton, WA

Dear Mrs. Krause:

This letter provides J.H. Baxter & Co. with an opportunity to perform pre-Remedial Design at the Quendall Terminal Superfund Site ("Site") pursuant to the enclosed administrative settlement agreement and order on consent, "ASAOC." This letter also attaches a statement of work for the pre-Remedial Design studies and a list of parties who are potentially responsible pursuant to section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9607(a) for the cost of or implementing response actions at the Quendall Site.

**Status of Site Cleanup**

The EPA listed the Quendall Terminals Superfund Site on the National Priorities List on April, 19, 2006. The EPA and the current owners of the Site, Altino Properties and J.H. Baxter, entered into an ASAOC for the performance of a Remedial Investigation and Feasibility Study for the Site on September 8, 2006. These parties have nearly completed the RI/FS. After the RI/FS is completed, the EPA will identify a preferred remedial approach for the Site in a proposed plan and provide the public with an opportunity to comment on its preferred remedial approach. After the public comment period has closed, the EPA will select remedial actions for the Site in a Record of Decision. The EPA believes that the information that has been developed during the RI/FS provides it with the basis to select a remedy for the Site and anticipates that it will select a remedy in the near future and in parallel to the performance of the requested pre-Remedial Design studies.

**Offer to Negotiate**

As noted above, the EPA is inviting J.H. Baxter & Co. and the other Quendall Potentially Responsible Parties ("PRPs") to negotiate an ASAOC for pre-Remedial Design studies at the Site. The pre-Remedial Designs studies will supplement the information developed during the RI/FS and provide the EPA and the PRPs with more information regarding the scope of the contamination subject to cleanup and areas

of the Site which may be available for reuse after cleanup. The EPA believes these studies will facilitate a more timely and efficient cleanup of the Site. A draft ASAOC and statement of work for the pre-Remedial Design studies is enclosed with this letter. The EPA requests that you provide it with a written response with its offer to negotiate by December 4, 2015. The EPA will evaluate the written responses it has received to determine whether it has received a good faith offer to perform the requested pre-Remedial Design studies. The EPA requests that the PRPs work together to develop a single good faith offer.

To assist the J.H. Baxter & Co. and the other PRPs in developing a response, the EPA requests that you attend a meeting at the Region 10 office in Seattle at 10 a.m. on November 10, 2015. During this meeting you will have an opportunity to discuss the scope of the pre-Remedial Design Study, the ASAOC, and the remedy selection process for the Site with EPA staff.

### **Good Faith Offer**

As noted above, a proposed ASAOC and Statement of Work are enclosed to assist you in developing a "good faith offer." A "good faith offer" to conduct or finance the pre-Remedial Design studies is a written proposal that demonstrates the qualifications and willingness of the PRPs to conduct or finance the pre-Remedial Design studies, and includes the following elements:

- A statement of willingness by the PRPs to conduct or finance pre-Remedial Design studies that is consistent with the EPA's Statement of Work and draft Administrative Order and provides a sufficient basis for further negotiations;
- A paragraph-by-paragraph response to the EPA's Statement of Work and draft ASAOC;
- A detailed description of the work plan identifying how the PRPs plan to proceed with the work;
- A demonstration of the PRPs' technical capability to carry out the pre-Remedial Design studies, including the identification of the firm(s) that may actually conduct the work or a description of the process they will use to select the firm(s); and
- The name, address, and phone number of the party or steering committee who will represent the PRPs in negotiations.

To assist PRPs in negotiating with the EPA concerning this matter, the EPA is attaching to this letter a list of the names and addresses of other PRPs to whom it is sending this Notice. The EPA encourages

the recipients of the letter to contact Lynn Manolopoulos, counsel for Altino, Inc., before the November 10th meeting in Seattle.

### **Administrative Record Site File**

In accordance with Section 113 of CERCLA, 42 U.S.C. § 9613, the EPA has established an Administrative Record Site file containing the documents that may serve as the basis for the EPA's selection of the appropriate response action for the Site. This Administrative Record Site file is available for inspection at the EPA Region 10 Superfund Records Center. You may wish to review the Administrative Record Site file to assist you in responding to this letter, but your review should not delay a timely response to this letter.

### **PRP Response and EPA Contact Person**

You are encouraged to contact the EPA by December 4, 2015 to indicate your willingness to participate in future negotiations concerning this Site. You may respond individually or through a steering committee if such a committee has been formed. If the EPA does not receive a timely response, the EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the Site, and that you have declined any involvement in performing the response activities.

Your response to this letter, including written proposals to perform the pre-Remedial Design studies for the Site, should be sent to:

Claire Hong  
United States Environmental Protection Agency, Region 10  
1200 Sixth Avenue  
ECL-122  
Seattle, WA 98101  
(206) 553-1813  
[hong.claire@epa.gov](mailto:hong.claire@epa.gov)

The factual and legal discussions in this letter are intended solely to provide notice and information, and such discussions are not to be construed as a final EPA position on any matter set forth herein. Due to the seriousness of the environmental and legal problems posed by the conditions at the Site, the EPA urges that you give immediate attention and prompt response to this letter.

### **Resources and Information for Small Businesses**

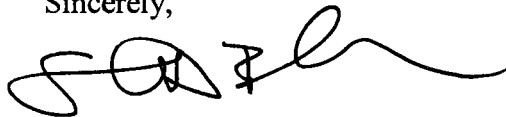
As you may be aware, on January 11, 2002, President Bush signed into law the "Small Business Liability Relief and Brownfields Revitalization Act" (SBLRBRA). This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may download a copy of the law at <http://www.gpo.gov/fdsys/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf> and review EPA guidances regarding these exemptions at <http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/>.

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at <http://www2.epa.gov/compliance/compliance-assistance-centers>. In addition, information on contacting EPA's Small Business Ombudsman is available at <http://www.epa.gov/sbo>. Finally, the EPA has developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA) and information on resources for small businesses, which is enclosed with this letter and available on the Agency's website at <http://www2.epa.gov/compliance/small-business-resources-information-sheet>.

If you have any questions regarding the technical aspects of this letter, please contact Claire Hong, Remedial Project Manager, at (206) 553-1813. If you have an attorney handling your legal matters, please direct his or her questions to Ted Yackulic, Assistant Regional Counsel, at (206) 553-1218 or [yackulic.ted@epa.gov](mailto:yackulic.ted@epa.gov).

My staff and I look forward to working with you during the coming months.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shawn Blocker', with a stylized flourish extending to the right.

Shawn Blocker, Unit Manager  
Site Cleanup Unit 3

Attachments